

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

IN RE:
JENNIFER CABBIL

CASE NO: 08-72336-CMS13
CHAPTER 13

DEBTOR.

TRUSTEE'S MOTION TO DISMISS AND NOTICE OF HEARING

Comes now C. David Cottingham, Standing Trustee, in the above styled case and moves to dismiss this case and in support thereof represents to the Court as follows:

XX The Debtor's payments are not current, resulting in a material default in plan payments pursuant to 11 U.S.C. 1307 (c)(6).

The Debtor's Plan is no longer feasible.

The Debtor's payments are insufficient to pay case within the time allowed by law.

The Trustee has received notice that the Debtor is deceased.

WHEREFORE, the Trustee moves that this case be **DISMISSED**.

This the 8th day of October, 2009.

/s/ C. David Cottingham

C. David Cottingham, Standing Trustee

NOTICE OF HEARING

Notice is hereby given that a hearing on the above styled motion will be held on Tuesday the 17th day of November, 2009, at 9:00 a.m. in the US BANKRUPTCY COURT - USBC, FEDERAL COURT HOUSE, 1118 GREENSBORO AVENUE, TUSCALOOSA, AL 35401- .

Certificate of Service

A copy of the foregoing Motion has been filed with the Court. I hereby certify that I have served a copy of the foregoing Motion on the Debtor and Debtor's Attorney by mailing a copy of the same with adequate postage thereon or by electronic means when available:

This the 8th day of October, 2009.

/s/ C. David Cottingham

C. David Cottingham, Standing Trustee